

## **Chapter 17.72**

### **SIGNS**

#### **Article 1**

##### **On-Premises Signs**

###### **Sections:**

- |                  |  |
|------------------|--|
| <b>17.72.010</b> | <b>Purpose and intent.</b>                             |
| <b>17.72.020</b> | <b>Sign standards.</b>                                 |
| <b>17.72.030</b> | <b>Permitted signs and sign area.</b>                  |
| <b>17.72.040</b> | <b>Regulations and limitations of permitted signs.</b> |
| <b>17.72.050</b> | <b>Exceptions.</b>                                     |
|                  | (Amended January, 2010)                                |
|                  | (Amended June, 2014)                                   |
| <b>17.72.060</b> | <b>Illumination.</b>                                   |
| <b>17.72.070</b> | <b>Prohibited signs.</b>                               |
|                  | (Amended June, 2014)                                   |
| <b>17.72.080</b> | <b>Nonconforming signage.</b>                          |
| <b>17.72.090</b> | <b>Sign maintenance.</b>                               |
| <b>17.72.100</b> | <b>Abandoned signs.</b>                                |

#### **Article 2**

##### **Off-Premises Signs**

###### **Sections:**

- |                  |                            |
|------------------|----------------------------|
| <b>17.72.110</b> | <b>Purpose and intent.</b> |
| <b>17.72.120</b> | <b>General relations.</b>  |

- 17.72.130 Conditional uses.**
- 17.72.140 Conditional use permit  
procedure.**
- 17.72.150 Application.**
- 17.72.160 Fees.**
- 17.72.170 Information on site plan.**
- 17.72.180 Planning commission hearing.**
- 17.72.190 City council hearing.**
- 17.72.200 Amendments.**
- 17.72.210 Expiration.**
- 17.72.220 Permit revocation.**
- 17.72.230 Pre-existing uses.**
- 17.72.240 Reapplication.**
- 17.72.250 Conditional use standards.**
- 17.72.260 Minimum setback  
requirements.**
- 17.72.270 Sign contractors and sign painters license, bond and insurance requirements.**
- 17.72.280 Violations, fines and penalties.**

## **Article 1**

### **On-Premises Signs**

#### **17.72.010 Purpose and intent.**

Signs use private land and the sight lines created by public rights-of-way to inform and persuade the general public by a message. The purpose of this chapter is to prevent the uncontrolled use of signs.

These regulations provide standards for the erection and maintenance of on-premises signs. The principal feature of this chapter is the restriction on the total sign area permissible per site. All signs shall be erected and maintained in accordance with the following standards. The general objectives of these standards are to promote health, safety and welfare, and to achieve the following:

- A. Safety: to promote safety of persons and property by providing that signs:
  - 1. Do not create a hazard due to collapse, fire, collision, decay or abandonment;
  - 2. Do not create traffic hazards by confusing or distracting motorists; or by impairing the driver's ability to see pedestrians, obstacles or other vehicles; or to see and interpret any official traffic sign, signal or device.
- B. Communication efficiency: to promote the efficient transfer of information by providing that:
  - 1. Business and services may identify themselves;
  - 2. Customers and other persons may locate a business or service;
  - 3. No person or group is arbitrarily denied the use at the sight line from public rights-of-way for communication purposes.
- C. Landscape quality and preservation: to protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:
  - 1. Do not create a nuisance to persons using the public rights-of-way;
  - 2. Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement. (Ord. 386 § 1401-A, 2002)

#### **17.72.020 Sign standards.**

The sign standards shall apply to every planning commission district for the city, and its extra-territorial jurisdiction. Only signs described herein shall be permitted. (Ord. 386 § 1402-A, 2002)

#### **17.72.030 Permitted signs and sign area.**

In the following districts, the sign area and height set forth shall apply to all signs on the premises except as provided in Section 17.72.050. Such signs shall also comply with the requirements of Section 17.72.040.

A. Agricultural (AG), Airport Restricted (A-R), Flood Plains District (F) Districts.

1. Permitted signs are wall, roof, projecting and freestanding.

a. A total sign area of one square foot for each two lineal feet of building frontage, up to a total of twenty-two (22) square feet.

b. Freestanding sign shall not exceed thirty-two (32) square feet and eight feet in height.

B. Residential District (R), Single Family (R-1), One and Two Family (R-2), Multiple Family (R-3), Mobile/Manufactured Home Park (R-4).

1. Permitted signs are as follows:

a. Each dwelling unit: a one-square foot professional occupation wall sign.

b. Twelve (12) dwelling units or more: a total sign area of thirty-two (32) square feet for wall or free-standing sign not to exceed six feet in height. Signs shall devote a minimum of seventy-five (75) percent of their area to the name and address of the structure or complex. Complexes with double frontage on nonintersecting streets or complexes with three or more frontages may be allowed two signs; however, no more than one sign can face any one frontage.

c. School identification/information signs, subject to:

i. One sign per institution with a maximum sign area of one hundred (100) square feet and a maximum height above grade of nine feet.

ii. Hours of sign illumination shall be seven a.m. to ten p.m.

iii. Use of this subsection prohibits other freestanding signs permitted under subsection (B)(1)(b) of this section.

d. Permanent identification signs: churches, schools, day care centers, institutional and public uses in residential districts may have a sign not exceeding twenty-five (25) square feet in area per frontage.

C. Business District Restricted (B-R).

1. Permitted signs are wall, roof, projecting, and freestanding signs.

a. A building sign area of one square foot for each three lineal feet of a street frontage shall be allowed. When a building has multiple frontage, an additional sign area of one square foot for each four lineal feet of street frontage shall be allowed for other street frontages. Not more than one square foot of sign area for each three lineal feet of street frontage shall face any one frontage.

b. Freestanding signs shall not exceed thirty-two (32) square feet and six feet in height.

c. Portable signs.

D. Central Business District (CB).

1. Permitted signs are wall, roof, projecting and freestanding.

a. Wall, roof and projecting: a building sign area of two square feet for each one lineal foot of building frontage or one square foot for each one lineal foot of street frontage shall be allowed. Allowable sign area is not transferable from one frontage to another.

b. Freestanding signs: with a maximum permitted sign area and height as set forth below:

| Street Frontage         | 1-50' | 51-100' | 101-150' | 151-200' | 201-250' | 251-300' | 300'+ |
|-------------------------|-------|---------|----------|----------|----------|----------|-------|
| Sign Area               | 32    | 64      | 96       | 128      | 160      | 192      | 300   |
| Sign Height above grade | 20    | 25      | 25       | 25       | 45       | 45       | 45    |

c. Portable signs.

E. Highway Commercial District (HC).

1. Permitted signs are wall, roof, projecting and freestanding.

a. Wall, roof and projecting: a building sign area of two square feet for each one lineal foot of building frontage or one square foot for each one lineal foot of street frontage shall be allowed. Allowable sign area is not transferable from one frontage to another.

b. Freestanding signs: with a maximum permitted sign area and height as set forth below:

| Street Frontage | 1-50' | 51-100' | 101-150' | 151-200' | 201-250' | 251-300' | 300'+ |
|-----------------|-------|---------|----------|----------|----------|----------|-------|
| Sign Area       | 32    | 64      | 96       | 128      | 160      | 192      | 300   |

|                         |    |    |    |    |    |    |    |
|-------------------------|----|----|----|----|----|----|----|
| Sign Height above grade | 20 | 25 | 25 | 25 | 45 | 45 | 45 |
|-------------------------|----|----|----|----|----|----|----|

c. Portable signs.

F. Light Industrial District (I-1).

1. Permitted signs are wall, roof, projecting and freestanding.

a. Wall, roof and projecting: a building sign area of one square foot for each three lineal feet of street frontage shall be allowed. When a parcel has multiple frontage, an additional sign area of one square foot for each additional four lineal feet of street frontage shall be allowed for other street frontages. No more than one square foot of sign area for each three lineal feet of street frontage shall face any one frontage.

b. Freestanding signs: With a maximum permitted sign area and height as set forth below:

|                         |        |          |          |          |       |
|-------------------------|--------|----------|----------|----------|-------|
| Street Frontage         | 1-100' | 101-150' | 151-200' | 201-300' | 300'+ |
| Sign Area               | 32     | 48       | 64       | 80       | 100   |
| Sign Height above grade | 18     | 18       | 18       | 18       | 18    |

c. Portable signs.

G. Heavy/Industrial District (I-2).

1. Permitted signs are wall, roof, projecting and freestanding.

a. Wall, roof and projecting: a building sign area of one square foot for each three lineal feet of street frontage shall be allowed. When a parcel has multiple frontage, an additional sign area of one square foot for each additional four lineal feet at street frontage shall be allowed for other street frontages. No more than one square foot or sign area for each three lineal feet of street frontage shall face any one frontage.

b. Freestanding signs: with a maximum permitted sign area and height as set forth below:

|                 |        |          |          |          |       |
|-----------------|--------|----------|----------|----------|-------|
| Street Frontage | 1-100' | 101-150' | 151-200' | 201-300' | 300'+ |
| Sign Area       | 32     | 48       | 64       | 80       | 100   |

|                         |    |    |    |    |    |
|-------------------------|----|----|----|----|----|
| Sign Height above grade | 20 | 21 | 22 | 23 | 24 |
|-------------------------|----|----|----|----|----|

c. Portable signs.

(Ord. 386 § 1403-A, 2002)

17.72.040 Regulations and limitations of permitted signs.

The regulations and limitations of permitted signs shall be as follows:

A. Wall signs: A sign attached to or erected against a wall of a building and projecting no more than twelve (12) inches with the face in a parallel plane to the plane of the building wall.

B. Projecting signs.

1. Projecting signs may project over public property in CB planning commission district or in the B-R and HC districts where the building was constructed at the property line. However, no signs shall project over state highway rights-of-way, unless written permission is given by the appropriate state agency.

2. Projecting signs may project no more than five feet from the building face.

3. Projecting signs shall have a minimum clearance of ten (10) feet above grade level above any yard or sidewalk and sixteen (16) feet above any road, alley or drive.

4. Projecting signs may project no more than five feet above the top of a parapet or roofline.

C. Roof Signs. Roof signs shall rise no higher than five feet above the top of a parapet or roofline.

D. Freestanding Signs.

1. Freestanding signs shall be limited to one per street frontage except that businesses on frontages of two hundred sixty-four (264) feet, or more, may erect two freestanding signs; however, the total sign area of both signs may not exceed that allowed for the street frontage.

2. Businesses on a corner lot may erect a sign on each frontage; however, neither sign may cross over the assumed vertical plane which bisects the angle of the corner.

3. Businesses which are permitted to and elect to erect more than one freestanding sign shall space the signs no less than fifty (50) feet apart.

4. When a business has two eighty-eight foot (88) frontages and elects to erect only one freestanding sign, the sign area may be increased by twenty (20) percent.

5. Freestanding signs shall be located only in a front or side yard.

6. Freestanding signs located closer than ten feet to any property line abutting a city street shall be removed at the owner's expense in the event of any street improvement project.

7. Freestanding signs shall not be located within any intersection safety zone as determined by city action.

8. Freestanding signs shall not rotate.

E. Portable Signs. Except as otherwise provided in this section, portable signs may only be displayed in the B-R, CB, HC and I districts for sixty (60) permit days per calendar year at any one business location. A separate permit shall be required for each sign. Permits may be issued for terms of either fifteen (15) or twenty (20) days and permit holders will be charged with the full term for which the permit is issued. Subsequent permits shall not be issued until thirty (30) days have elapsed following the expiration of fifteen (15) day permits and sixty (60) days following a thirty (30) day permit. Permits for two or more portable signs may be issued at a particular business location if the permits are of equal duration and run concurrently. Portable signs shall be secured against overturning and shall be in compliance with all other city titles and requirements.

F. Inflatable Signs. High flying, helium, ground and roof inflatable signs may be displayed under the following conditions:

1. On lots with a street frontage of less than three hundred (300) feet, including corner lots, only one inflatable advertising sign shall be allowed on a property at any given time. Property with three hundred (300) feet or more offstreet frontage may display a maximum of two inflatable advertising signs at any given time;

2. The maximum size of a ground-mounted inflatable advertising sign will be fifteen (15) feet by thirty (30) feet. The maximum size of a roof-mounted inflatable advertising sign will be twenty-five (25) feet wide by thirty (30) feet high. The maximum volume of a high-flying inflatable advertising sign will be five hundred (500) cubic feet;

3. Will not interfere with utility lines, antennas or towers;

4. Cabling, tie-downs or tether lines will not be located on or across public property;

5. High-flying inflatables will not be located in any airport approach zone;

6. Inflatable sign permits may be issued for terms of three days, with a maximum of five permits per calendar year at any one business;



7. Inflatable advertising signs may also be displayed in city parks, if authorized by the city council.

G. Noninflatable Signs. Shall not exceed twenty-two (22) square feet in area. (Ord. 386 § 1404-A, 2002)

#### **17.72.050 Exceptions.**

The following signs may be allowed in addition to the signs permitted in Section 17.72.030. They are exempt insofar as requiring the issuance of a sign permit, but must be in conformance with all other state laws and local ordinances.

A. Automobile Service Stations. Gasoline dispensing stations may have, in addition to all other signs, one twelve (12) square foot sign on each street frontage. Such signs shall be firmly attached to a structure and shall contain gasoline pricing information only. Also, in addition to all other signs, each gas pump shall be allowed one gas pump topper sign of three square feet maximum.

B. Awnings and Canopies. Shall contain the name of the business exclusively in letters not to exceed eight inches in height in the B-R, CB, HC and I districts.

C. Integral Signs. Names of buildings, dates of erection, monumental citations, commemorative tablets, and the like, of permanent type construction and made an integral part of the building structure shall be permitted.

D. Menu Signs. Signs that give menu items and prices for drive-up windows shall be allowed up to thirty-two (32) square feet. Signs in excess of thirty-two (32) square feet may be permitted; however, the excess area shall be counted against the total sign area allowed on the premises; and provided further, the sign is approved by the city council.

E. Neighborhood Identification Signs. In any zone, a masonry wall, landscaping and other similar material or feature may be combined to form a permanent display for neighborhood or tract identification. The legend of such sign or display shall consist only of the neighborhood or tract name and shall be approved by the city council.

F. Permanent Identification Signs. Churches, schools, day care centers, institutional and public uses in residential districts may have a sign not exceeding twenty-five (25) square feet in area per frontage.

G. Private Traffic Direction Signs. Signs directing traffic movement onto and out of a commercial, industrial, institutional office, apartment, and manufactured home park uses may have one nine-square-foot sign, six feet in height at each vehicular entrance onto a public way (street or alley). These uses may have two interior traffic directional signs of six square feet and

four feet in height. One additional interior traffic directional sign may be added for each forty-three thousand five hundred sixty (43,560) square feet of lot area up to a maximum of six interior traffic directional signs.

Seventy-five (75) percent of the sign area of each sign shall be used for traffic information.

H. Public Signs. Signs of a noncommercial nature and in the public interest erected by or on the order of a public officer in the performance of his or her duties shall be permitted.

I. Public Telephone Signs. Public telephone booths may have attached to them signs not exceeding a total area of six square feet, provided such signs do not materially obstruct the vision at any street intersection.

J. Single-Family Residential Name and Street Address Signs. Two name or address signs not exceeding one square foot each shall be permitted.

K. Other.

1. Construction Signs: shall not exceed one hundred (100) square feet and twenty (20) feet in height in any B-R, CB, HC or I district. Shall not exceed one hundred (100) square feet and twenty (20) feet in height for churches, schools, day care centers, institutional uses, public uses and multiple dwellings of twelve (12) units or more in any R district. Shall not exceed eight square feet for any property with less than twelve (12) dwelling units in any R district. Shall be removed upon the completion of the project.

2. Pennants and Banners. Banners shall not exceed a total square footage of one hundred (100) square feet in B-R, CB, HC, or I districts. Pennants are allowed in the CS, HC, or I districts, but are not limited as to total square footage.

3. Political Campaign Signs: shall not exceed nine square feet in any R district and twenty-four (24) square feet in any B-R, CB, HC, I or F districts. Such signs may be displayed sixty (60) days prior to, and seven days after the election for which they are intended.

4. Real Property for Sale, Rental or Lease Signs: (a) shall not exceed a total of sixteen (16) square feet in any B-R, CB, HC, I-1 or I-2 district, and in R districts containing properties with twelve (12) or more dwelling units; and (b) shall not exceed a total of eight square feet for R districts containing properties with less than twelve (12) dwelling units and shall be removed upon the rental/lease or sale closing of the dwelling unit or units.

Exception: One thirty-two (32) square foot sign per frontage may be allowed in an R district for a development of ten lots or more and in cases of un-subdivided lands of at least 1.5 acres.

5. Any sign inside a building, not attached to a window or door, that is not legible from a distance six feet (6') beyond the lot line of the lot or parcel on which such sign is located.

6. Works of art that do not include a commercial message.

7. Holiday lights and decorations with no commercial message.

8. Signs on vehicles regularly and customarily used to transport persons or property for a business.

9. Signs or graphics on outside vending machines provided such machines are not part of the principal use of the lot.

(Ord. 386 § 1405-A, 2002) (Amended – Effective: January 26, 2010) (Amended June, 2014)

#### **17.72.060 Illumination.**

Regulations regarding the illumination of signs shall be as follows:

A. Shading. The light from any illuminated sign shall be so shielded, shaded or directed so that the light intensity shall not adversely affect surrounding or facing premises or safe vision of operators of vehicles on public or private roads.

B. Blinking and Flashing. Movement showing the date, time and temperature exclusively shall be permitted on any allowable sign. Blinking, flashing, pulsating or fluttering lights, or other illuminated devices, which have a changing light, shall be permitted only on flat wall signs, roof signs and marquee signs on places of entertainment and shall not be located closer than one hundred (150) feet from any residential district.

C. Electronic Message Signs. Any permitted signs may be, or may include as an individual component of the total allowable sign area, electronic message signs, except that such signs displaying a flashing or traveling message are prohibited. Electronic messages or graphic displays may be changed at periodic intervals by various entry and exit display modes, provided that the maximum message time for a multiframe message shall be ten (10) seconds with up to five display changes per sequence. (Ord. 386 § 1406-A, 2002)

#### **17.72.070 Prohibited signs.**

The following signs are prohibited and shall be removed within the time periods specified:

A. Miscellaneous Signs and Posters. The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on walls of buildings, barns, shed,

trees, poles, posts, fences or other structures is prohibited; and such sign shall be removed upon notice.

B. Painted Wall Signs. Painted wall signs shall be prohibited except that existing signs may remain provided said signs are maintained. Signs which are not maintained shall be removed or renovated within sixty (60) days upon notice. Painted wall graphics shall be permitted; however, such graphics shall not contain any words or graphics advertising the business or products sold within.

C. Parking of Advertising Vehicles Prohibited. No person shall park any vehicle or trailer on a public right-of-way, or public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same premises or any other premises. This is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettering on a motor vehicle.

D. Nuisance Signs. Signs which imitate an official traffic sign or signal or which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic-control device or which hide from view any traffic, street sign or signal shall be removed upon notice.

E. Signs on Public Property or in Public Right-of-Way. No sign, including political signs, shall be erected or located in, under or over any public right-of-way or on public property except for the following:

1. Public signs erected by or on behalf of a governmental body to identify public property, convey public information and direct or regulate pedestrian or vehicular traffic.

2. Informational signs by a public utility regarding poles, lines, pipes or facilities.

3. Awning, canopy, marquee, projecting and suspended signs in conformity with any other applicable section(s) of this Chapter.

4. Flags subject to the following:

- a. The flag shall not exceed 15 square feet in area.

- b. No artificial illumination shall be directed at the flag.

- c. The flag shall be mounted on a non-permanent pole not exceeding ten feet in height and the pole shall be securely attached at or below grade. If a device is used to hold the pole, it shall be located at or below grade. Attachment to a mailbox, tree, or other organic matter is not permitted.

- d. The flag shall not obstruct the traffic visibility at an intersection nor interfere with the full use of the roadway by vehicular traffic.

e. Flags displayed under the regulations of this section shall be limited to 10 days in any calendar year. (Ord. 386 § 1407-A, 2002) (Amended June, 2014)

**17.72.080 Nonconforming signage.**

Any sign existing on the date of adoption of the ordinance codified in this title which does not conform with the provisions of this code is eligible for characterization as a "legal nonconforming sign" and is permitted to remain except as specified below.

- A. The sign has been removed, relocated, or destroyed;
- B. The sign has been brought into compliance with this title;
- C. The sign is abandoned or a portable sign as defined herein. (Ord. 386 § 1408-A, 2002)

**17.72.090 Sign maintenance.**

Signs shall be maintained in a safe and legible condition at all times, including the replacement of defective or damaged parts, painting, repainting, cleaning and other services required for maintenance of said signs. Unsafe signs shall be removed or brought into compliance immediately upon written notice. (Ord. 386 § 1409-A, 2002)

**17.72.100 Abandoned signs.**

Abandoned signs shall be removed or brought into compliance within ninety (90) days of written notice from the city council. (Ord. 386 § 1410-A, 2002)

**Article 2**

**Off-Premises Signs**

**17.72.110 Purpose and intent.**

Like on-premises signs, off-premises signs use private land and the sight lines created by public rights-of-way to inform and persuade the public. In an effort to protect the health, safety, and welfare of the general public, the purpose of this chapter is to prevent the uncontrolled use of off-premises signs.

To fulfill this purpose, the objectives of these regulations are to preserve the overall landscape quality as well as scenically sensitive areas including parks, nature areas and historical sites, protect the value of adjacent lands, and promote the safety of those using the public rights-of-way. To these ends, this chapter provides standards and maintenance, size, illumination, and separation. (Ord. 386 § 1411-A, 2002)

**17.72.120 General relations.**

Off-premises signs are allowed in the B-R, CB, HC and I districts subject to the following regulations:

- A. Off-premises signs will be allowed a maximum size of two hundred eighty-eight (288) square feet except as permitted in Section 17.72.130.
- B. No more than one sign face per direction of facing; no more than two parallel sign faces on any one sign structure.
- C. Signs will be allowed a maximum height of forty (40) feet; and the minimum height of twelve (12) feet.
- D. There will be a minimum setback for the sign face of:

|             |         |
|-------------|---------|
| B-R and CB: | 10 feet |
| HC and I:   | 22 feet |

A minimum setback for the sign structure of:

|            |         |
|------------|---------|
| B-R andCB: | 10 feet |
| HC and I:  | 22 feet |

- E. No part of the off-premises sign face or structure will be allowed to exist in or overlap into the required side or rear yard setbacks.
- F. The sign shall not be within a three hundred (300) foot radius of any other off-premises sign intended to be read from the same right-of-way; the sign shall not be within a one hundred fifty (150) foot radius of any other off-premises sign intended to be read from a different right-

of-way; the sign shall be no closer than five hundred (500) feet from any existing off-premises sign on an interstate highway.

G. Off-premises signs shall be maintained in a safe and legible condition at all times, including the replacement of defective or damaged parts, painting, repainting, cleaning, and other services required for maintenance of said signs. Unsafe signs shall be removed immediately or brought into compliance upon written notice.

H. Abandoned signs shall be removed or brought into compliance within ninety (90) days of written notice from the city.

I. The light from any illuminated sign shall be so shielded, shaded or directed so that the light intensity shall not adversely affect surrounding or facing premises or safe vision of operators of vehicles on public or private roads.

J. Blinking, flashing, or fluttering lights, as well as intermittent sequential lighting, cinematic projection, or electronic and electrical processes using illumination to depict something with motion, movement, changing scenes, or messages are prohibited. (Ord. 386 § 1412-A, 2002)

#### **17.72.130 Conditional uses.**

A conditional use permit in conformance with Section 17.72.140 must be obtained for the following off-premises signs:

A. Off-premises signs over two hundred eighty-eight (288) square feet to a maximum of six hundred seventy-two (672) square feet and signs with more than one sign face per direction of facing in B-R, CB, HC, I and AG.

B. Off-premises signs within three hundred (300) feet of a park, school, church, viaduct, designated historic site, river greenway or bike path. (Ord. 386 § 1413-A, 2002)

#### **17.72.140 Conditional use permit procedure.**

The city council may authorize by conditional use permit the uses designated in this title when located in a planning commission district allowing such use. The city council shall impose such conditions as are appropriate and necessary to ensure compliance with the comprehensive plan and protect the health, safety and general welfare in the issuance of such conditional use permit. Unless expressly modified by the planning commission, all regulations of the planning commission district in which the use is located shall apply. (Ord. 386 § 1414-A, 2002)

**17.72.150      Application.**

To obtain a conditional use permit, the applicant shall file an application therefore, in writing, on a form furnished by the city finance officer. Every application shall contain the following information:

- A.     Legal description of the land on which such conditional use is requested, together with local street address;
- B.     Name and address of each owner of the property;
- C.     Name, address, phone number and signature of the applicant;
- D.     Zoning district classification under which the property is regulated at the time of such application;
- E.     Be accompanied with a site plan, unless waived by the city finance officer;
- F.     Any other information concerning the property as may be requested by the city finance officer, city planner or city planning and planning commission. (Ord. 386 § 1415-A, 2002)

**17.72.160      Fees.**

Upon the filing of any application of a conditional use permit with the city finance office, the applicant shall pay to the city a fee in the amount of fifty dollars (\$50.00). (Ord. 386 § 1416-A, 2002)

**17.72.170      Information on site plan.**

In addition to the following information, plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this title and all relevant laws, ordinances, rules and regulations.

Exception: The city may waive the submission of plans if it finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this title and obtains the following information:

- A.     The address of the property and the legal description;
- B.     The name of the project and/or business;
- C.     The scale and north arrow;



- D. All existing and proposed buildings or additions;
- E. Dimensions of all buildings;
- F. Distance from all building lines to the property lines at the closest points;
- G. Building height and number of stories;
- H. Dimensions of all property lines;
- I. Parking lots or spaces; designate each space, give dimensions of the lot, stalls and aisles;
- J. Screening; show height, location and type of material to be used;
- K. The landscaped setback and trees; indicate species of trees and material to be used for landscaping;
- L. Name and location of all adjacent streets, alleys, waterways and other public places. (Ord. 386 § 1417-A, 2002)

**17.72.180 Planning commission hearing.**

Upon the filing of an application for a conditional use permit, the city finance officer shall set a date for public hearing on the request. The date for the public hearing shall be a day when the planning commission is regularly scheduled to meet as determined by the rules, policies and regulations as adopted or which may hereafter be adopted by the city planning commission for holding public hearings on such requests, or the city planning commission may designate a special meeting at which to hear a requested conditional use application.

A. Signs. Signs shall be posted on the property for a continuous period of seven days immediately prior to any public hearing held by the city planning commission to consider any conditional use permit. Such signs shall be furnished by the city finance officer and posted by the applicant in the numbers and locations prescribed by the city planning commission. Before any action shall be taken by the city planning commission, the applicant shall first file with the city finance officer a certificate verifying that such signs have been posted at the property location before the time specified in this section.

B. City Planning Commission Report. The city planning commission shall submit to the city council a final report containing its recommendations on those applications for conditional use permits which it has considered. If no report is received from the city planning commission in sixty-five (65) days, it may be assumed that the commission has approved the conditional use permit. (Ord. 386 § 1418-A, 2002)

#### **17.72.190 City council hearing.**

The city council shall conduct a public hearing to act on all applications which have been processed and forwarded to them for public hearing as provided in this title.

A. Supplementary Notice. Notice of such hearing is required to be given by the posting of not less than four signs provided by the city finance officer. Before any action shall be taken by the council, the applicant shall first file with the council a certificate verifying that the signs have been posted at the proper location before the time specified by this section.

B. Hearing. Upon the day of such public hearing, the city council shall review the decisions and recommendations of the city planning commission of all applications coming before the city council as provided in this title. The city council, in making its determination of such applications may make changes in accordance with or in rejection or modification of the recommendation of the city planning commission.

C. Action and Protest. Approval or denial of any application for a conditional use permit shall be by a majority of all members of the city council. Twenty (20) days after publication of the city council's approval, the conditional use shall take effect unless the referendum be invoked, or unless a written protest be filed with the city finance officer, signed by at least forty (40) percent of the owners of equity in the lots included in any proposed district and the lands within one hundred fifty (150) feet from any part of such proposed district measured by excluding streets and alleys. A corporation shall be construed to be a sole owner; and when parcels of land are in the name of more than one person, ownership representation shall be in proportion to the number of signers who join in the petition in relation to the number of owners. In the event such a protest be filed, the conditional use permit shall not become effective as to the proposed area against which the protest has been filed. (Ord. 386 § 1419-A, 2002)

#### **17.72.200 Amendments.**

Amendments shall be processed in the same manner as required for a separate conditional use permit. (Ord. 386 § 1420-A, 2002)

#### **17.72.210 Expiration.**

A conditional use permit shall expire one year from the date upon which it becomes effective if no work has commenced. Upon written request to the city council and prior to the conditional use permit expiration date, a one-year time extension for the conditional use permit may be granted by the city council, subject to the following conditions:

- A. There was no public objection presented during the public hearing process for the original conditional use permit;
- B. The land uses for the surrounding properties have not significantly been altered since the original approval date for the conditional use permit;
- C. Due to other on-going permitting processes or necessary engineering/planning studies relating to the specific project for the conditional use permit that may impact the one-year schedule for project completion. (Ord. 386 § 1421-A, 2002)

#### **17.72.220 Permit revocation.**

If the planning commission finds at any time that the terms, conditions, and requirements of the conditional use permit have not been complied with, or that any phase thereof has not been completed within the time required under the conditional use permit or any amendment thereto, the planning commission shall report this fact to the permittee. The city planning commission may, after conducting a public hearing, of which the permittee shall be notified, submit a recommendation to the city council for their consideration and action. The city council may, after a public hearing of which the permittee shall be notified, revoke such conditional use permit for failure to comply with such terms, conditions and requirements, or take such other action as it may deem necessary to obtain compliance. (Ord. 386 § 1422-A, 2002)

#### **17.72.230 Pre-existing uses.**

An existing use eligible for a conditional use permit which was lawfully established on the effective date of this title shall be deemed to have received a conditional use permit as herein required and shall be provided with such permit by the city upon request, and it shall not be a nonconforming use; provided, however, for any enlargement, extension or relocation of such existing use, an application in conformance with this title shall be required. (Ord. 386 § 1423-A, 2002)

#### **17.72.240 Reapplication.**

No applicant requesting a conditional use permit whose application includes the same or substantially the same requirements for the same or substantially the same property as that which has been denied by the city council shall be again considered by the city council before the expiration date of six months from the date of the final action on the petition. (Ord. 386 § 1424-A, 2002)

**17.72.250 Conditional use standards.**

Any conditional use permit approved by the city council shall conform to the standards set by the city council. These standards shall be construed to be the minimum requirements for any of the specified conditional uses, and the city council can require additional stipulations at their discretion. In all cases, the impact of the proposed use on the adjacent properties will be a major consideration. (Ord. 386 § 1425-A, 2002)

**17.72.260 Minimum setback requirements.**

Unless otherwise specified in Sections 17.72.010 to 17.72.250, billboards shall be set back from the right-of-way line of any street or highway at least as far as the required front yard depth for a principal building in such districts, and when at the intersection of streets and/or highways, the setback of any outdoor advertising sign or billboard shall not be less than the required front yard depth for a principal building in such district, from each street and/or highway.

Approved plans shall not be changed, modified or altered without authorization from the council or commission giving final approval, and all work shall be done in accordance with the approved plans. (Ord. 386 § 1426-A, 2002)

**17.72.270 Sign contractors and sign painters license, bond and insurance requirements.**

**A. Sign Contractors.**

1. No person, firm or corporation shall perform any work or services for compensation in connection with the erection, construction, enlargement, alteration, repair, moving, improvement, demolition, maintenance, or conversion of any sign, unless such person, firm or corporation shall first have obtained a sign contractor's license from the city and paid the license fees provided for herein. A sign contractor's license shall not be required for the demolition of a sign when such demolition is carried on in conjunction with a demolition of a principle or accessory structure on the premises and a demolition permit has been obtained pursuant to the provisions of the city code.

2. The initial license fee for sign contractors shall be three hundred dollars (\$300.00) payable in advance for the first year or fraction thereof, and a renewal fee of one hundred fifty dollars (\$150.00) thereafter.

3. Licenses shall not be transferable. Such license shall expire on January 1st of each year and is not renewable except as stated herein.

4. Every applicant for a sign contractor's license shall file with the city finance officer a bond in the amount of ten thousand dollars (\$10,000.00), with sureties to be approved by the city attorney, the conditions of such bond to be faithfully in compliance with all other provisions of this title. Applicants shall file with the city finance officer an executed agreement whereby applicant agrees to defend, at its own expense, indemnify and hold harmless the city, its employees and officers from any and all claims, suits, losses, damages, costs or expenses, including attorney fees and court costs, by reason of liability imposed upon the city, its employees and officers for damages because of bodily injury, including death, at any time resulting therefrom, sustained by any person or persons, or on account of damage to property, both real and personal, including the loss of use thereof, arising out of or the consequence of the applicant's performance as a sign contractor, except only such injury or damage as shall be occasioned by the sole negligence of the city, its employees or officers.

5. The bond shall be kept in force and effect for a period of one year after cancellation or termination of license. The bond shall run current with the sign contractor's license and expire on the first day of January of each year.

**B. Sign Painters.**

1. No person, firm or corporation other than a licensed sign contractor shall perform any work or services for compensation as a sign painter without first obtaining a sign painter's license from the city finance officer and paying the license fee provided herein. This license covers sign painting only.

2. The initial license fee for a sign painter shall be sixty dollars (\$60.00) payable in advance for the first year or fraction thereof, and a renewal fee of thirty dollars (\$30.00) thereafter.

3. Licenses shall not be transferable. Such license shall expire on January 1st of each year and is not renewable as stated herein.

4. Every applicant for a license shall file with the city finance officer a bond in the amount of ten thousand dollars (\$10,000.00) kept in full force and effect for a period of one year after cancellation or termination of license. The bond shall run concurrent with the sign painter's license and expire on the first day of January each year. The conditions of such bond to be faithfully in compliance with all other provisions of this title. (Ord. 386 § 1427-A, 2002)

**17.72.280 Violations, fines and penalties.**

A. A violation of this chapter or any amendment thereto shall constitute a misdemeanor and any violator shall be fined not in excess of Five Hundred Dollars (\$500.00). Conviction shall not

preclude civil liability to the city for any damages caused the city by the illegal act. Each separate violation of this chapter shall constitute a separate offense.

B. Each day that the violation of a city ordinance occurs shall constitute a separate offense.

C. In case any person, firm or corporation violates this chapter or any amendment thereto of the city, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful act or to restrain, correct or abate such violation. (Ord. 386 § 1428-A, 20